

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
DIVISION OF THE STATE ARCHITECT – STRUCTURAL SAFETY (DSA-SS)**

**REGARDING THE CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGreen Code)  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11  
(DSA-SS 07/15)**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:**

This proposed action by DSA adopts mandatory green building standards for occupancies within its authority. The intent of the code continues to (1) reduce greenhouse gas (GHG) emissions from buildings, (2) promote environmentally responsible, cost-effective, healthier places to live and work; and (3) respond to the directives by the Governor in the 2008 to develop a green building code.

The proposed changes to the building standards with statewide application will lead to substantial environmental benefits through reduction in the use of energy, water, and raw materials; improved public and building occupant health due to improved indoor air quality; and overall reduced detrimental environmental impacts.

**Specific Proposed Regulatory Actions:** DSA proposes to amend the 2013 CALGreen Code for inclusion in the 2016 triennial edition. It is DSA's intent to provide clarity to the code user in consistent reference nomenclature to other parts of Title, 24. The rationale for each adoption by chapter, division, and section is listed below.

**ITEM 1. DSA proposes to amend Chapter 1, Section 105.1.1 – Application**

**Specific Purpose:**

This proposed action is commentary in nature to provide guidance to public school and community college districts.

**Rationale:**

Due to the number of inquiries received regarding the difficulty of understanding this code section for the type of project that must comply with the CALGreen Code, DSA proposes to amend Section 105.1, Application for public elementary and secondary schools and community colleges, to add a commentary note to address the contradictory nature of Chapter 5.2 that references the California Energy Code. In the Energy Code (Title 24, Part 6) Subchapter 1, Table 100.0-A (Application of Standards) outlines the requirements for project types that are in Title 24, Part 6. Additions and alterations are included in this Table 100.0-A; whereas, alterations are not included in the application stated in Section 105.1.

**Benefit:**

Maintain clarity and consistency for the code user.

**ITEM 2. DSA proposes to amend Chapter 2, Section 202- Definitions.**

**Section 202 Definitions.**

**Specific Purpose:**

Update definitions for the code user.

**Rationale:**

DSA proposes to add proposed definitions to Chapter 2 to serve as a glossary reference.

**Benefit:**

Maintain consistency in the code.

**ITEM 3. DSA proposes to repeal Chapter 3, Section 303 Phased Projects.**

**Section 303 Phased Projects.**

**Specific Purpose:**

DSA proposes to repeal the above reference section in its entirety.

**Rationale:**

DSA is proposing to repeal this section because schools and community colleges are done in “increments” rather than “phases” per DSA publication regarding the procedures on this subject matter. Secondly, the additional language proposed by CBSC to Section 303.1.1 references Section 301.3, which is not adopted by DSA. With these two differences, DSA proposes to repeal this section and consider amending its publication on increments to address shell buildings or adopt a separate section more specific to school and community college plan.

**Benefit:**

Alleviate contradictory information to the user.

**ITEM 4. DSA proposes to amend mandatory regulations in Chapter 5, Division 5.1, Section 5.106-Site Development.**

**Section 5.106.8 Light pollution reduction.**

**Specific Purpose:**

DSA, aligning with CBSC, proposes to amend the above referenced section by adopting additional exceptions that clarify the application of the light pollution reduction provisions for outdoor lighting.

**CAC Comments:** The Green Code Advisory Committee held on August 25<sup>th</sup>, 2015 recommended Short Term Further Study (STFS) to proposed exception 3 based on public comments received. The CAC recommended removing exception item 3 due to conflicts with the energy code and to align with BSC which withdrew the same proposed exception item 3.

**DSA Response:** The DSA accepted the recommendation and decided to withdraw the proposed exception 3 which was for security lighting for truck yards at distribution warehouses where compliance is impractical.

**Rationale:**

Due to the number of inquiries received regarding the difficulty of compliance with this code section for specific lighting conditions, CBSC is proposing to add new exceptions to allow more flexibility for compliance with light pollution reduction. CBSC is proposing to add an exception to exempt building façade lighting that is already an allowance in the California Energy Code. Additionally, an exception for custom lighting features as permitted by the local enforcing agency. Lastly, Lighting Zone 0 is being added to coordinate with the California Energy Commission’s proposed amendments to the California Energy Code, Title 24, Part 6.

**Benefit:**

The added exceptions will allow for flexibility for specific lighting features and conditions as well as assist the enforcing agency to accept design alternatives to meet this provision. Alternate means and methods is an option already allowed per statute, however, adding this exception would benefit both the enforcing

agency and the code user. Additionally, this proposal would provide consistency between the 2016 CALGreen Code and the 2016 California Energy Code.

**ITEM 5. DSA proposes to amend mandatory regulations in Chapter 5, Division 5.3, Section 5.302-Definitions.**

**Section 5.302.1 Definitions.**

**Specific Purpose:**

This proposed action is editorial in nature to add a reference to the term “Metering Faucet,” which is proposed for adoption in section 202 Definitions.

**Rationale:**

The amended language would align with other referenced terms in the same section.

**Benefit:**

Maintain clarity and consistency with other defined terms in this chapter.

**ITEM 6. DSA proposes to amend mandatory regulations in Chapter 5, Division 5.3, Section 5.303-Indoor Water Use.**

**Section 5.303.1 Meters**

**Specific Purpose:**

This proposed action is editorial in nature to correct referenced section numbers.

**Rationale:**

DSA, aligning with CBSC, proposes to amend section 5.303.1 Meters to correct the referenced section numbers, which are pointers for sections relating to the installation of meters.

**Benefit:**

Maintain clarity and consistency for the code user.

**Section 5.303.6 Standards for plumbing fixtures and fittings.**

**Specific Purpose:**

This proposed action is editorial in nature to correct the reference location of the applicable standards in the California Plumbing Code.

**Rationale:**

The referenced standard relocated from Chapter 14 to Chapter 17 in the California Plumbing Code.

**Benefit:**

Maintain clarity and consistency for the code user.

**ITEM 6.1 DSA proposes to amend mandatory regulations in Chapter 5, Division 5.3, Section 5.303.3.4.5.**

**Post CAC meeting amended section:**

**Section 5.303.3.4.5 Metering faucets for wash fountains**

**Specific Purpose:**

This proposed action is a correction to the verbiage to align this CALGreen Code with the 2015 Triennial proposed code for Title 24, Part 5 (California Plumbing Code), Section 417.1.2.

**Rationale:**

At the Code Advisory Committee (CAC) meeting on September 9, 2015 for Title 24, Part 5 (California Plumbing Code) for the 2015 Triennial Code Adoption Cycle, the CAC noted a mistake had been made in erroneously identifying a maximum rate of flow (0.20 gallons per minute) in the proposed, amended Section 417.1.2 for metering faucets for wash fountains. This same verbiage has been used in the CALGreen Code; therefore, the correction has been proposed.

**Benefit:**

Maintain clarity and consistency for the code user.

**ITEM 7. DSA Proposes to amend mandatory regulations in Chapter 5, Division 5.4, Section 5.402-Definitions**

**Section 5.402.1 Definitions.**

**Specific Purpose:**

This proposed action is editorial in nature to add a reference to the term “Organic Waste,” which is proposed for adoption in section 202 Definitions.

**Rationale:**

The amended language would align with other referenced terms in the same section.

**Benefit:**

Maintain clarity and consistency for the code user.

**ITEM 8. DSA Proposes to amend mandatory regulations in Chapter 5, Division 5.4, Section 5.408-Construction Waste Reduction, Disposal and Recycling**

**Section 5.408.1 Construction waste management.**

**Section 5.408.1.3 Waste stream reduction alternative.**

**Specific Purpose:**

DSA, aligning with CBSC, proposes to amend the above referenced section by increasing the percentage of diverted nonhazardous construction and demolition (C&D) waste from 50-percent to 65-percent, subsequently adopting the current Tier 1 voluntary measure of 65% as mandatory.

**Rationale:**

DSA withdrew this proposed amendment during the 2013 Intervening Code Cycle, Green Code Advisory Committee (CAC), as a result of comments received. It was recommended by the CAC that CBSC reintroduce the proposed code amendment for the 2015 Triennial Code Adoption Cycle. Some of the comments received related to existing franchise agreements between the local jurisdictions and the haulers that were still active. Additionally, there was concern with CBSC proposing a more restrictive standard than the Department of Housing and Community Development. This code provision has gone un-amended for three years and the market has now had an opportunity to implement the requirement and it appears that 65% is an achievable percent for construction waste reduction/disposal/recycling. In the early development of mandatory standards for the 2010 CALGreen Code, CBSC staff conducted a cost/benefit analysis and found a relatively modest cost on a small nonresidential project for a detailed C&D plan to be projected at less than 1% of construction cost, and the same for larger projects. The cost is negligible for the 15-percent increase in C&D waste diversion. Lastly, HCD is proposing similar amendments that will align with CBSC.

**Benefit:**

The proposed amendment would significantly assist the state in meeting the statewide recycling goal of 75-percent by 2020 as established by AB 341 (Chapter 476, Statutes of 2011).

**ITEM 9. DSA proposes to amend a mandatory regulation in Chapter 5, Division 5.4, Section 5.410-Building Maintenance and Operation**

**Section 5.410.1 Recycling by occupants.**

**Specific Purpose:**

DSA, aligning with CBSC, proposes to amend the above referenced section by adding “organic waste” to the list of materials which need to be included for depositing, storing, and collecting of non-hazardous materials for recycling.

**Rationale:**

The California Department of Resources Recycling and Recovery (CalRecycle) initially proposed this section in CBSC’s CALGreen workshop on February 5, 2015. AB 1826 (Chapter 727, Statutes of 2014), requires, as of April 1, 2016, any business generating 8 cubic yards or more of organic waste shall arrange for recycling services specific to that waste. The threshold for required service is reduced to 4 cubic yards of organic waste on January 1, 2017, and to 4 cubic yards of commercial solid waste effective January 1, 2019. Organic materials constitute about 40% of what is landfilled and are the primary source of methane emissions from landfills. Providing adequate space for the storage and collection of organic waste would increase overall recycling and reduce emissions of methane, a potent greenhouse gas.

**Benefit:**

Adding organic waste to the list of materials that need to be included for depositing, storing, and collecting of non-hazardous materials for recycling, will ultimately assist businesses that will be required to meet AB 1826 starting in 2016, concurrent with this code. It will also result in significant greenhouse gas emission reductions, which is a key goal of the Air Resource Board’s 2014 Scoping Plan Update.

**ITEM 10. DSA proposes to amend mandatory regulations in Chapter 5, Division 5.5, Section 5.504-Pollutant Control**

**Section 5.504.1 (Formerly 5.504.1.3) Temporary ventilation.**

**Specific Purpose:**

This proposed action is editorial in nature to correct the section number and additionally referenced sections.

**Rationale:**

The amended language would correct the section number so that it does not appear to be a subsection. Additionally, this amendment clarifies the intent for finish materials to comply with all of the subsections of 5.504.4.

**Benefit:**

Maintain clarity for the code user.

**TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

No technical, theoretical, or empirical studies or reports were used, as Section 18928 of the Health & Safety Code mandates this proposed action.

**STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:**

No new prescriptive standards are proposed.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

The Division of the State Architect has not considered any reasonable alternatives to the proposed action, as this action is required by law.

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.**

The Division of the State Architect has not identified any reasonable alternatives to the proposed action, and no adverse impact to small business due to these proposed changes is expected.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.**

The Division of the State Architect has no evidence indicating any potential significant adverse impact on business with regard to the proposed action.

### **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.  
There will be no positive or adverse impact.
- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.  
There will be no positive or adverse impact.
- ☐ The expansion of businesses currently doing business with the State of California.  
There will be no positive or adverse impact.
- ☐ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.  
There will be no positive or adverse impact.

### **ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

The cost for compliance is minimal, while the maintenance & operations cost savings outweigh the initial costs.

### **DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

The proposed regulations do not duplicate or conflict with federal regulations.